

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: DOMESTIC DRYWALL ANTITRUST LITIGATION</b>	
<b>THIS DOCUMENT RELATES TO:</b>  <b>Ashton Woods Holdings LLC, et al., Plaintiffs,</b>  <b>v.</b>  <b>USG Corp., et al., Defendants.</b>	<b>CIVIL ACTION</b>  <b>MDL No. 13-2437</b>  <b>15-cv-1712</b>

**O R D E R**

**AND NOW**, this 22nd day of June 2016, after review of Homebuilder Plaintiffs' Second Amended Complaint (ECF 56),<sup>1</sup> Defendants' Joint Partial Motion to Dismiss (ECF 65), Defendant CertainTeed's Motion to Dismiss (ECF 66), Defendant Continental's Motion to Dismiss (ECF 375),<sup>2</sup> Homebuilder Plaintiffs' Response thereto (ECF 77), Joint Defendants', Continental's, and CertainTeed's replies thereto (ECF 81, 392, 82), and L&W, USG, and USG Corp.'s Motion for Joinder for Certain Defendants' Partial Motion to Dismiss (ECF 64), it is hereby **ORDERED** that:

1. L&W, USG, and USG Corp.'s Motion for Joinder (ECF 64) is GRANTED;
2. Certain Defendants' Joint Partial Motion to Dismiss (ECF 65) is GRANTED to the extent it asks this Court to narrow the

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<sup>1</sup> The docket numbers correspond with the 15-cv-1712 docket rather than the MDL docket except as noted otherwise.

<sup>2</sup> Continental's Motion to Dismiss and Reply were mistakenly left off of the 15-1712 docket. Thus, citations to Continental documents refer to the 13-2437 docket.

scope of the conspiracy period to 2011 through the 2013 price increase;

3. Defendant CertainTeed's Motion to Dismiss (ECF 66) is GRANTED to the extent it asks this Court to narrow the scope of the conspiracy period to 2011 through the 2013 price hike and DENIED to the extent it asks the Court to dismiss the remainder of Homebuilder Plaintiffs' claims; and
4. Defendant Continental's Motion to Dismiss (ECF 375) is GRANTED, and Continental is dismissed from the suit.

This is only a partial ruling on Defendants' Motions. The Court will address Defendants' arguments related to Homebuilder Plaintiffs' state-law claims and *Illinois Brick* at a later date.

**BY THE COURT:**

/s/ Michael M. Baylson

**MICHAEL M. BAYLSON, U.S.D.J.**

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